

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Georgia Avenue, 150 ft. * ZONING COMMISSIONER
West of Washington Avenue * OF BALTIMORE COUNTY
2921 Georgia Avenue *
13th Election District * Case No. 91-328-A
1st Councilmanic District *
Curtis Whetzel *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for a Zoning Variance, a variance from Section 1802.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot width of 50 ft. in lieu of the minimum required 55 ft. (for lot nos. 54 and 55), as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Carmel Whetzel, appeared and testified. Appearing and testifying on behalf of the Petitioner was Harry E. Warthen. There were no Protestants.

Testimony indicated that the subject property, known as 2921 Georgia Avenue, consists of .1434 acres +/-, zoned D.R.5.5 and is currently unimproved.

Testimony indicated that the Petitioner is desirous of constructing a single family dwelling on the subject lot as indicated on Petitioner's Exhibit No. 1. Testimony also indicated that the vast majority of the homes in this subdivision are situated on 50 ft. lots.

Mr. Harry E. Warthen, who resides at 2923 Georgia Avenue, adjacent to the subject property, testified in support of Petitioner's request.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the

relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of B.C.Z.R. to allow a buildable lot width of 50 ft. in lieu of the minimum required 55 ft. (for lot nos. 54 and 55), in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/nmm
cc: Peoples Counsel

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 13, 1991

Mr. Curtis Whetzel
1304 Hilton Terrace
Catonsville, Maryland 21228

RE: Petition for Zoning Variance
Case No. 91-328-A

Dear Mr. Whetzel:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH/nmm
encl.
cc: Peoples Counsel
cc: Mr. Carmel Whetzel
cc: Mr. Harry E. Warthen

308

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-328-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.1. B.C.Z.R. 1.1.1. ALLOW A BUILDABLE LOT WIDTH OF 50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT. (FOR LOT NUMBERS 54 AND 55).

UNABLE TO BUILD A HOUSE ON LOTS 54 AND 55 (VACANT LOT)

(1) DUE TO MINIMUM LOT WIDTH OF 50 FT. INSTEAD OF THE MINIMUM REQUIRED 55 FT. ON LOTS (54 AND 55) AND (56 AND 57)

(2) DUE TO MINIMUM SIDE YARD OF 4.5 FT. CREATED ON EXISTING DWELLING ON LOTS 56 AND 57 WHICH MINIMUM 10 FT. IS REQUIRED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Legal Owner(s): (Type or Print Name)

Signature: Signature

Address: Address

City and State: City and State

Attorney for Petitioner: (Type or Print Name) Address: 1304 HILTON TERRACE, Phone No. 744-5962

Signature: Signature

Address: Address

City and State: City and State

Attorney's Telephone No.: Address: Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of April, 1991, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR. + 1 HR.

APPEAL FOR HEARING: 1/2 HR. + 1 HR.

REVIEWED BY: J. Robert Haines Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date: 5/14/91
By: Th. Brown

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Date: 5/14/91
By: Th. Brown

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Date: 5/14/91
By: Th. Brown

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-328-A

District: 13th, Date of Posting: March 25, 1991

Posted for: Variance

Petitioner: Curtis Whetzel

Location of property: S/S Georgia Avenue, 150' W. of Washington Avenue

2921 Georgia Avenue

Location of Signs: In front of 2921 Georgia Avenue

Remarks:

Posted by: S. J. Arata, Signature

Date of return: March 22, 1991

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from the Zoning Regulations of Baltimore County, Maryland, at 111 W. Chesapeake Avenue in Towson, Maryland, on the following date:

Case number: 91-328-A
S/S Georgia Avenue, 150' W. of Washington Avenue
2921 Georgia Avenue
13th Election District
1st Councilmanic District
Petitioner(s): Curtis Whetzel
Hearing Date: Thursday, April 18, 1991 at 2:00 p.m.

Variance to allow a buildable lot width of 50 ft. in lieu of the minimum required 55 ft. (for lot 55 and 57).

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
AUG190 March 21

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$ 54.00

CERTIFICATE OF PUBLICATION

3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21, 1991

ARBUTUS TIMES

S. Zeke Orlan
Publisher

\$ 54.00

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number:

1304

RECEIVED FOR FILING

DATE: 3-26-91

TIME: 2:00 PM

LAST NAME OF OWNER: WHETZEL

Please Make Checks Payable To: Baltimore County 01138PMU-01-91 \$35.00

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number:

91-328

Please Make Checks Payable To: Baltimore County 01138PMU-18-91 \$79.00

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE _____

Curtis Whetzel
1304 Hilton Terrace
Catonsville, Maryland 21228

RE

Dear Petitioner(s)

Please be advised that \$ 79.00 is due for advertising and posting of the above captioned property

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-328-A
S/S Georgia Avenue, 150' W of Washington Avenue
2921 Georgia Avenue
13th Election District - 1st Councilmanic
Petitioner(s): Curtis Whetzel
HEARING: THURSDAY, APRIL 18, 1991 at 2:00 p.m.

Variance to allow a buildable lot width of 50 ft. in lieu of the minimum required 55 ft. (for lot 56 and 57).

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Curtis Whetzel

File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 2, 1991

Mr. Curtis Whetzel
1304 Hilton Terrace
Catonsville, MD 21228

RE: Item No. 308, Case No. 91-328-A
Petitioner: Curtis Whetzel
Petition for Zoning Variance

Dear Mr. Whetzel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 13th day of February, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Curtis Whetzel

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 11, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Curtis Whetzel, Item No. 308

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM308/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CURTIS WHETZEL
Location: #2921 GEORGIA AVENUE
Item No.: 308 Zoning Agenda: FEBRUARY 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved: *William F. Dyer*
Planning Group Special Inspection Division Fire Prevention Bureau

JP/KEK

received
2/6/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 8, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments are still applicable. The Developer is cautioned that no permanent type construction is allowed over a County utility easement.

For Item 289, this site is subject to comments by the Maryland State Highway Administration.

For Item 298, the previous County Review Group comments are still applicable.

Robert W. Bowling, P.E.
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

2919 Georgia Avenue
Baltimore, Maryland 21227
301-636-3852
March 21, 1991

Mr. J. Robert Haines, Commissioner
Zoning Commission of Baltimore County
County Office Building, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #91-328-A
#91-329-A
Letter of Protest

Dear Sir:

In reference to the above mentioned cases regarding "allowing a buildable lot width of 50 ft. in lieu of the minimum required 55 ft. (for lot 56 and 57)" and "allowing a 4 ft. side yard setback and buildable lot width of 50 ft. (for lot numbers 56 and 57) in lieu of the required minimum 10 ft. and 55 ft., respectively", at lots known as 2921 Georgia Avenue and 2923 Georgia Avenue, please accept this letter as our official protest to allow these minimum zoning requirements to be lifted.

We reside, facing these properties, directly to the right at 2919 Georgia Avenue. A few years ago, Mr. Whetzel "borrowed" footage from his lots in order to build a house two doors down Georgia Avenue. Since that time, Mr. Whetzel offered by way of sale, these two lots, or 1/2 of these two lots, to us and to the family on the left, for a price that was unobtainable for any of us, knowing full well the lots were unbuildable as they stood, because of lack of footage. Because he could not sell them, we feel he is now trying to override zoning requirements in order to relieve himself of the responsibility of this property.

During those years, Mr. Whetzel has failed to keep the property mowed, and has left stood a rusty, broken down, open, rat-infested storage shed that is not only an eyesore but dangerous. This shows a total lack of responsibility.

Having the footage requirements lifted from 10 ft. to 4 ft. would put a house within reach from our house, which has stood for some 60 years, by practically reaching out our window. If we had wanted to live in a rowhouse, Mr. Haines, we would have remained at our previous residence in Vietsville and not moved here eight years ago.

Shrubbery alongside our house, and on our property, would be a mere three to four feet from a newly built house, and ultimately would be destroyed. This shrubbery is irreplaceable as it has been on this property (ours) for as long as our house has been standing.

Stephen T. and Kathleen P. Spittel
2919 Georgia Avenue
Baltimore, Maryland 21227
301-536-3852

• k5

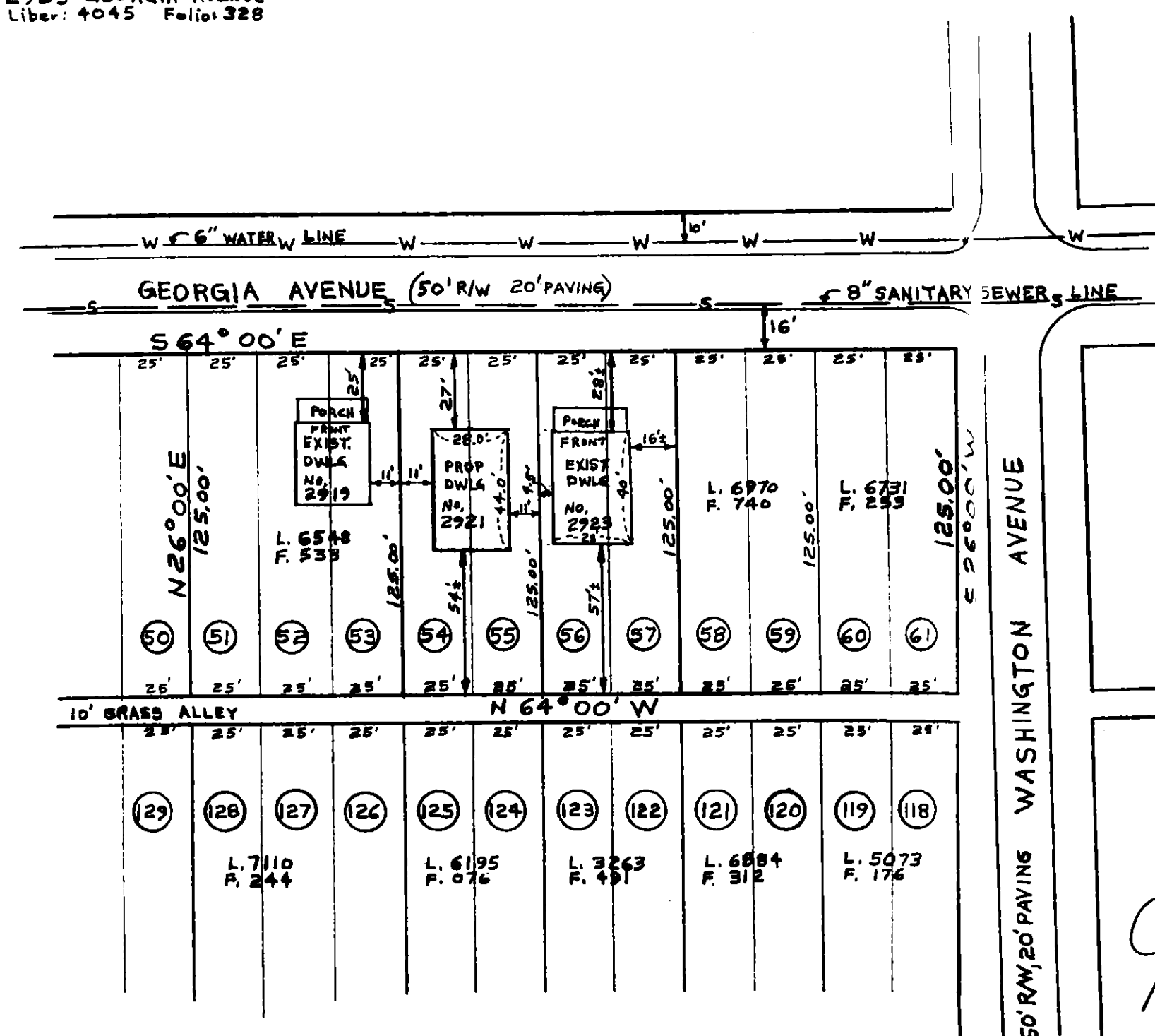
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

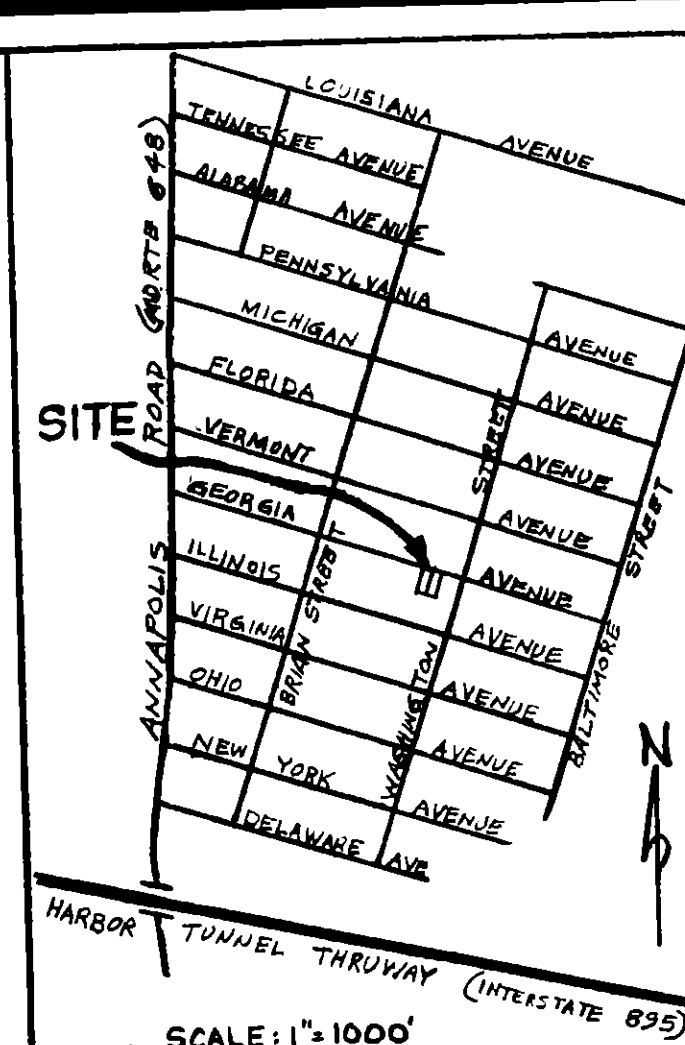
[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 2921 and 2923 GEORGIA AVENUE
SUBDIVISION: BALTIMORE HIGHLANDS
PLAT BOOK: J.W.S. 2 FOLIO: 379 BLOCK: C LOTS: 54, 55, 56 and 57
OWNER: CURTIS WHEZEL
2923 GEORGIA AVENUE
Lib#: 4045 Folio: 328



91-328-A



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 1st
ELECTION DISTRICT: 13TH
1"=200' SCALE MAP#: SW 6 A+B

ZONING: DR 5.5

LOT SIZE: 1434 6350

LOTS 54 AND 55	0.1434	6250
LOTS 56 AND 57	0.1434	6250

LOTS 56 AND 57	ACREAGE		SQUARE FEET	
	PUBLIC	PRIVATE		

SEWER: ☒ ☐

SEWER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

WATER: ☒ YES ☐ NO

CHESAPEAKE BAY ☐ ☒
CRITICAL AREA

BRIT. TONING HEARINGS: 11-01-77

PRIOR ZONING HEARING: NONE

1. *Journal of the American Medical Association*, 1997; 277: 1033-1037.

SCALE: 1" = 50'

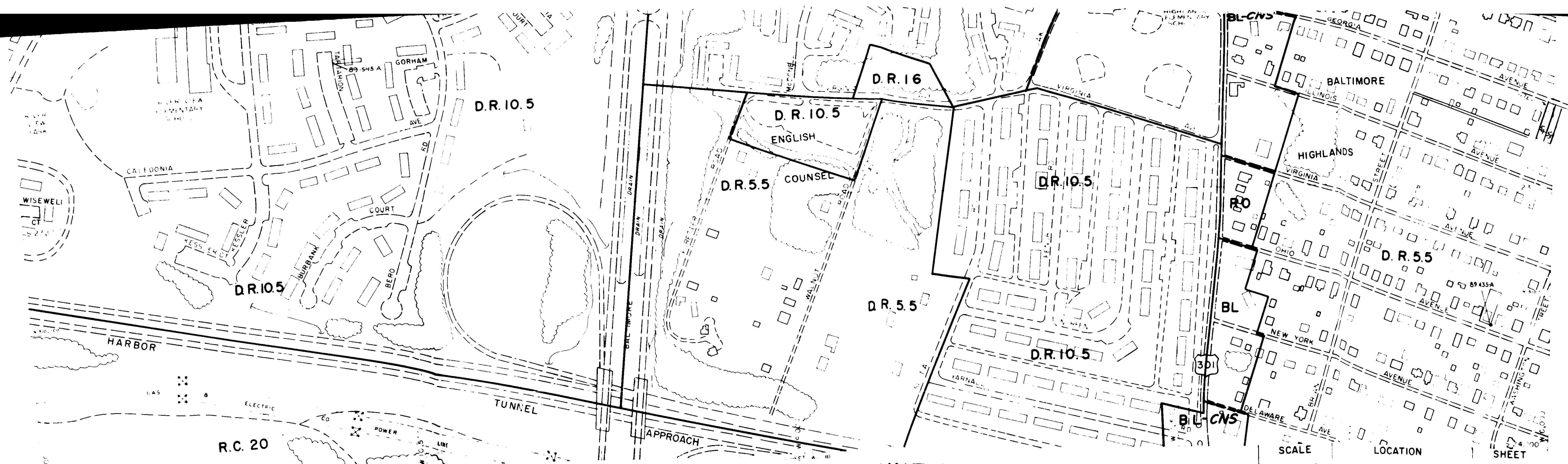
ZONING OFFICE USE ONLY!

REVIEWED BY: 232 ITEM #: 1 CASE #: 1

	308
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275	10	
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PETITIONER'S EXHIBIT #



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE	LOCATION	SHEET
1" = 200'	MONUMENTAL BALTIMORE HIGHLANDS	S.W. 6-B
DATE OF PHOTOGRAPHY		
JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

91-328-A



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

SCALE	LOCATION	SHEET
1" = 200' ±	BALTIMORE HIGHLANDS	S.W. 6-A
DATE OF PHOTOGRAPHY		
JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401